

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION

EDEKKA, LLC,

Plaintiff

V.

PC CONNECTION, INC.,

Defendant.

C.A. No. 2:14-cv-470

JURY TRIAL DEMANDED

**DEFENDANT PC CONNECTION'S
ANSWER AND AFFIRMATIVE DEFENSES**

PC Connection, Inc. (“PC Connection”) answers the individually numbered paragraphs of the Complaint of eDekka LLC (“eDekka”) and asserts Affirmative Defenses, as follows. All averments are denied unless specifically admitted herein:

PARTIES AND JURISDICTION

1. PC Connection admits that the Complaint purports to bring an action for patent infringement and requests injunctive and monetary relief.
2. PC Connection admits that this Court has subject matter jurisdiction over this case.
3. PC Connection is without sufficient information to admit or deny the allegations of this paragraph, and on this basis denies said allegations.
4. PC Connection admits that it is a Delaware corporation with an office located at 730 Milford Road, Merrimack, NH 03054. For the purposes of this action only, PC Connection does not contest that the Court has personal jurisdiction over PC Connection. The remainder of the allegations in this paragraph state legal conclusions to

which no response is required. To the extent any response is required, PC Connection denies the remaining allegations of paragraph 4 of the Complaint. PC Connection specifically denies having infringed any valid claim of the asserted patent.

5. The allegations in this paragraph state legal conclusions to which no response is required. To the extent any response is required, PC Connection denies the allegations of paragraph 5 of the Complaint. PC Connection specifically denies having infringed any valid claim of the asserted patent.

VENUE

6. For the purposes of this action only, PC Connection does not contest that venue exists in this district, but denies that this district is the most convenient forum for adjudicating the claims alleged by eDekka in this action. PC Connection denies the remaining allegations of paragraph 6 of the complaint, and specifically denies that it is infringing the asserted patent.

COUNT I (INFRINGEMENT OF UNITED STATES PATENT NO. 6,266,674)

7. PC Connection incorporates by reference its responses to paragraphs 1 through 6 of the Complaint.

8. Paragraph 8 of the Complaint states a legal conclusion to which no response is required. To the extent any response is required, PC Connection denies the allegations of paragraph 8 of the Complaint.

9. PC Connection is without sufficient information to admit or deny the allegations of this paragraph, and on this basis denies them.

10. PC Connection admits that Exhibit A to the Complaint appears on its face to be a copy of U.S. Patent No. 6,266,674 (“the ’674 Patent”). PC Connection is without

sufficient information to admit or deny whether the document is in fact a true and correct copy of the '674 patent, and on this basis denies the allegation.

11. This paragraph states legal conclusions to which no response is required. To the extent any response is required, PC Connection denies the allegations of paragraph 11.

12. PC Connection is without sufficient information to admit or deny the allegations of paragraph 12 of the Complaint, and on that basis denies them.

(Alleged Direct Infringement)

13. Denied.

14. Denied.

15. This paragraph states legal conclusions to which no response is required. To the extent any response is required, PC Connection is without sufficient information to admit or deny the allegations of paragraph 15 of the Complaint, and on that basis denies them.

EDEKKA PRAYER FOR RELIEF

PC Connection denies the allegations in eDekka's prayer for relief, specifically denies that PC Connection is infringing the '674 Patent, and denies that eDekka is entitled to any of the relief it requested, or any relief whatsoever.

AFFIRMATIVE DEFENSES

Without conceding that any of the following necessarily must be pled as an affirmative defense, or that any of the following is not already at issue by virtue of the foregoing denials, and without prejudice to PC Connection's right to plead additional

defenses as discovery of the facts of the matter warrant, PC Connection asserts the following affirmative defenses:

**FIRST AFFIRMATIVE DEFENSE
(Failure to State a Claim)**

The Complaint, and each and every purported claim for relief therein, fails to allege facts sufficient to state a claim against PC Connection, including, but not limited to, a failure to adequately plead claims for infringement against PC Connection.

**SECOND AFFIRMATIVE DEFENSE
(Noninfringement)**

PC Connection has not infringed and is not infringing any claims of the '674 Patent.

**THIRD AFFIRMATIVE DEFENSE
(Invalidity)**

The '674 Patent and all of the claims thereof are invalid for failure to comply with one or more of the requirements for patentability, including those set forth in the Patent Act, such as 35 U.S.C. §§ 101, 102, 103, 112, and/or 185.

**FOURTH AFFIRMATIVE DEFENSE
(Limitations on Damages)**

eDekka is barred from recovering damages from alleged infringement that occurred more than six years before this lawsuit was filed under 35 U.S.C. § 286. Further, any claim for damages for patent infringement is limited by 35 U.S.C. § 288.

**FIFTH AFFIRMATIVE DEFENSE
(Waiver, Laches, Estoppel, and Acquiescence)**

The remedies requested by eDekka are barred in whole or in part by the equitable doctrines of waiver, laches, estoppel, and/or acquiescence due to actions and

circumstances including but not limited to eDekka's unreasonable delay in asserting the patent-in-suit.

PRAYER FOR RELIEF

WHEREFORE, PC Connection prays that the Court:

- (a) dismiss the Complaint;
- (b) enter judgment declaring that PC Connection does not infringe and has not infringed, in any way, any claim of U.S. Patent No. 6,266,674;
- (c) enter judgment declaring that the claims of U.S. Patent No. 6,266,674 are invalid;
- (d) award PC Connection its costs taxable under 28 U.S.C. § 1920; and
- (e) declare that this case is exceptional pursuant to 35 U.S.C. § 285 and award attorneys' fees to PC Connection.

JURY DEMAND

PC Connection demands a trial by jury on all issues so triable.

Respectfully submitted,

Dated: September 15, 2015

PC CONNECTION, INC.

/s/ Matthew B. Lowrie

Matthew B. Lowrie (mlowrie@foley.com)

FOLEY & LARDNER LLP

111 Huntington Avenue

Suite 2600

Boston, MA 02199-7610

Tel: (617) 342-4000

Fax: (617) 342-4001

Attorneys for Defendant

PC Connection, Inc.

CERTIFICATE OF SERVICE

I hereby certify that counsel of record who are deemed to have consented to electronic service are being served today, September 15, 2014, with a copy of this document via the Court's CM/ECF system pursuant to Local Rule CV-5(a)(3).

/s/ Matthew B. Lowrie